PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

John C. Harvey and James W. Cuddihy Examiner: Luther, W.

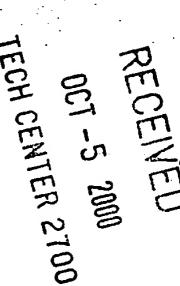
Serial No. 08/474,146 Group Art Unit: 2731

Filed: June 7, 1996 Atty. Docket. 05634.0186

For: SIGNAL PROCESSING APPARATUS AND METHODS

BOX: FEE AMENDMENT

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231



AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Table of Contents

• · A	AMENDMENTS	4
А .	TO THE SPECIFICATION	
B.	TO THE CLAIMS	5
I. I	REMARKS	69
Α.	Introduction	69
	I. Claim Accounting	69
2	2. Summary of Office Action Rejections	69
B.	2. Summary of Office Action Rejections	73
C.	STATEMENT OF PATENTABLE NOVELTY UNDER 37 C.F.R. § 1.111	
D.	RESPONSE TO ALLEGATION OF DEFECTIVE OATH/DECLARATION	85
E.	RESPONSE TO OBJECTION TO THE SPECIFICATION	86
F.	RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 112	89
1	1. Response to Rejections under §112, first paragraph	89
	a) Response to Written Description Rejections	89
	(1) The Office Action Fails to Establish a Prima Facie Rejection Under the Written Description	
	Requirement of 35 U.S.C. § 112	
	(2) Applicants' Summary and Description of Integration of the Instant Specification	
	(a) "One Combined Medium" (pages 19-28)	
	(b) "The Signal Processor" through "The Normal Transmission Location" (pages 28-86) and "The Signal Processor" through "The Normal Transmission Location" (pages 28-86) and "The Signal Processor" through "The Normal Transmission Location" (pages 28-86) and "The Signal Processor" through "The Normal Transmission Location" (pages 28-86) and "The Normal Transmission" (pages 28-86)	
	Preferred Configuration of Controller, 39, and SPAM-Controller, 205C." (pages 156-162)	95
	(c) "Operating Signal Processor Systems Introduction" through "Operating Signal Processor	0.4
	Systems Signal Record Transfer" (pages 86-278)	96

(d) Regulating the Reception and Use of Programming including Example #6 and "	
#7" (pages 278-312) as well as " More on Example #7 Combining Automatically to the	-
System" (pages 427-447)	
(e) "Monitoring Receiver Station Reception and Operation" (pages 312-324)	
(f) "Automating Intermediate Transmission Stations" (pages 324-390) including "Example of the Company of the Co	ple #8"
(pages 340-354)	99
(g) Examples #9 and #10 (pages 354-390 & 469-516): "Automating Intermediate Sta	ition
Combined Medium Operations" (pages 354-374 of Example #9) and "Network Control of International	ermediate
Generating and Embedding" (pages 374-390 of Example #10)	100
(h) Automating Ultimate Receiver Stations (pages 390-427) Regulating Station Environment	onment
(pages 396-406) Coordinating a Stereo Simulcast (pages 406-419) Receiving Selected P	
(419-427)	
(i) More Disclosure in the Context of "Wall Street Week" (pages 427-469)	104
(j) More on Example #7 (pages 427-447)(pages 427-409)	104
(j) More on Example #7 (pages 427-447)	105
(l) Transmitting Program Instructions Sets (pages 457-463)	103
(m) Audio Overlays and Other Overlays (pages 463-468)	
(n) Examples #9 and #10 Continued – Viewer/Listener Station Functionalities (pages 46	•
(o) Preprogramming Receiver Station Operating Systems (pages 516-532) and The Prefe	
Header (pages 532-533)	
(p) The General Case Summary Example #11 (pages 533-557)	107
(q) Conclusion	108
 (r) The Subject Matter in the '81 Disclosure is Specifically Included In the Instant Speci (3) 35 U.S.C. § 112 Includes No Requirement That Identical Embodiments of the Invention 	
Described in Both a Parent Application and a Subsequent Application Claiming Priority Therefr	
(4) Conclusion	
b) The Specification Enables One Skilled in the Art to Make and Use the Invention	
·	
(1) "Digital" is Enabled by the Specification	
(2) "Data" is Enabled by the Specification.	
c) The Best Mode of Practicing the Claimed Invention Contemplated by Applicants is Disclosed	
Specification	
2. The Claims Comply With 35 U.S.C. § 112, second paragraph	
a) The Claims Define That Which Applicants Regard as Their Invention	
b) There is no discrepancy in the use of the term "Programming"	123
G. RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 102	126
1. Rejection under 102 (b) over Applicants' U.S. Pat. Nos. '490 & '725	126
H. RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 103	
	120
2. Rejection under 103 (a, b & e) over Applicants WO 89/02682	
3. Rejection over Greenberg, U.S. Pat. No. 4,547,804 in view of Galumbeck et al., U.S. F	at. No.
4,725,886	129
4. Rejection over Jeffers et al., U.S. Pat. No. 4,739,510.	131
5. Rejection over Hazelwood et al., U.S. Pat. No. 4,025,851 in view of the publication "S	
•	
Apparatus for Automatic Monitoring Control of Broadcast Circuits" by Yaname et al. and I	•
Austrailian Patent No. 74,619.	
a) Characterization of References	134
(1) Hazelwood et al.	134
(2) Yaname et al	137
(3) Hetrich	137
b) Absence of Comparison of Cited References with Applicants' Claim Language	
c) Office Actions Improper Motivation for Combining References	
(1) Improper Combination of Hazelwood et al. in view of Yaname et al	
(2) Improper Combination of Hazelwood et al. in view of Taname et al., further in view of Hetricl	
6. Rejection over either one of the common subject matter suggested by Campbell et al., (
81/02961, abandoned parent application no. 135,987, and U.S. Pat. No. 4,536,791), in viev	•
least one or more of: Breeze "Television Line 21 Encoded Information and It's Impact on R	leceiver .
Station Design"; Schnee, U.S. Pat. No. 4,290,142; and Zaboklicki, DE 2,904,891	
a) Office Action's Failure to Identify Applicants Claim in the Rejection	
b) Rejection further in view of Zaboklicki	
-,	172

	<i>7</i> .		on further in view of one or more of: Hazelwood et al., Yaname et al., Hetrich, I	
	You	ıng et al.	, "Journal of SMPTE" Oct. 1971, U.S. Pat. No. 3,761,888 to Flynn, U.S. Pat. N	√o .
			Davis, Tunmann et al., U.K. Pat. No. 959,374 to Germany, Byloff, Chiddix, Sk	
			l., Zettl, Vikene, U.S. Pat. No. 4,547,804 to Greenberg, Jeffers et al., Diederich,	
			1/02961, abandoned U.S. application no. 135,987, and U.S. Pat. No. 4,536,791	•
			n, Stern, Breeze, Barlow, Millar, U.S. Pat. No. 4,725,886 to Galumbeck et al.,	<i>,,</i>
			TT North American Broadcast Teletext Specification," Zaboklicki, U.S. Pat. No.	4 064 490
			S. Pat. No. 4,251,691 to Kakihara, Hedger et al., Anderson, Gunn, Gaucher, U.	
		_	42 to Schnee et al	
) The	Provisional Rejection over Numerous References is Improper	1 <i>J2</i> 157
) Reje	ction under 35 U.S.C. § 103 is Improper	154
I.			E TO EXAMINER'S ADMINISTRATIVE REQUIREMENT	
J.			TO OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION	
	1.		ssertions in Office Action mailed January 7, 2000	
	<i>2</i> .		ope of the Double Patenting Doctrine	
	3.		Office Procedure	
	<i>4</i> .		tutory Double Patenting	
	7. a		lard for Determining One-Way Obviousness-Type Double Patenting	
		(1)	Identifying the Inventions Claimed	
		(a)	Scope of the Inventions as Defined by the Claim Language	
		(b)	Proper Use of Specification	
		(c)	Best Mode	167
		(d)	Means Plus Function	168
		(2)	Establishing Variations between the Invention Claimed and the Invention Defined in the	Patent
		Claims		
	_	(3)	Variations Would Have Been Obvious to a Person of Ordinary Skill in the Art	
	<i>5</i> .	Conclu	sionsion	173
III.	(CONCL	USION	174
A DI				
AFI	CEIN.	DIA A	SPECIFICATION SUPPORT TO THE PARENT 1981 APPLICATION AND THE INST	ANT
APPENDIX B		DIV D	APPLICATION BATTENTA DE RECURSIONE AND RECURSION OF INCOME AND ADDRESS OF THE PROPERTY OF THE	
		DIY D	PATENTABLE SUBJECT MATTER OF INSTANT CLAIMS OVER APPLICANTS' PATENTED	
A DI	יואישט	DIV C	CORRELATION CHARTS RETWEEN THE DARRENT 1007 PRODUCE SPECIAL CORRELATION	
APPENDIX C		DIAC	CORRELATION CHARTS BETWEEN THE PARENT 1987 PRIORITY SPECIFICAT	ION AND
A DI	וזאיזונ	niv n	THE INSTANT 1987 PRIORITY SPECIFICATION	
APPENDIX D		DIY D	GLOSSARY OF DEFINED TERMS TO THE 1987 PRIORITY INSTANT SPECIFICAT	FION

I. AMENDMENTS

The amendments set forth below are made in response to the Non-Final Office Action mailed April 6, 2000. Applicants respectfully request that the Examiner enter the following amendments in the above-captioned application and reconsider the allowability of the application as amended under 37 C.F.R. § 1.111.

A. To the Specification

Applicants request entering the below amendments to the specification.

On page 1, in the paragraph entitled, "Cross-Reference to Related Applications," on the second line, please delete:

"herein incorporated by reference in its entirety".

This text was mistakenly presented in the statement of the chain of priority of the application under 35 U.S.C. § 120. The statement is surplusage as the specification of Application Number 08/113,329 is the identical specification to that of the instant application.

On page 18, line 13, please change "Fig. 6" to -- Figs. 6a and 6b --.

On page 37, line 23, delete both occurrences of "units" and replace both occurrences with -- words --.

On page 37, line 24, delete "words" and replace with -- units --..

On page 37, line 25, delete "words" and replace with -- units --.

The above amendments to the specification are being made to correct typographical errors and to make the sentence consistent with the disclosure. *See*, Applicants' specification at page 14, line 26 through page 15, line 6. No new matter is added by these amendments.